

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:)	In proceedings under
David R Aromando)	Chapter 13
)	
)	
Debtor(s).)	Bk. No.: 23-30530
)	

CHAPTER 13 TRUSTEE'S FIRST AMENDED OBJECTION TO CONFIRMATION
TO DEBTOR(S)' ORIGINAL PLAN

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, and files this his First Amended Objection to Confirmation of the Debtor(s) Original Plan and in support thereof would respectfully show unto this Court the following (only those items checked apply):

1. ___ The Debtor(s)' Plan is not feasible. [Disposable Income: \$0.00 Plan Payment: \$0.00]
2. X As of January 2, 2024, the proposed Plan does not provide sufficient funding to pay all allowed secured/priority claims, as well as any required distribution to allowed general unsecured claims. The Trustee's plan calculation* has been emailed to counsel. [Current Base: \$76,500.00 Estimated Minimum Req'd Base: \$92,125.00]
3. ___ Pursuant to Form 122C-2, Line 45, the Plan must provide a minimum payment to all allowed non-priority unsecured claims of the lesser amount of \$0.00 or 100%.
4. X The Plan proposed by the Debtor(s) fails to address the following secured and/or priority claims: US Department of Housing & Urban Development; Illinois Department of Revenue.
5. ___ The Plan does not provide for payment of all of the Debtor(s)' disposable income. [Disposable Income on Sch. J: \$0.00 Plan Payment: \$0.00]
6. X Pursuant to 1325(a)(4), the amount necessary to pay all classes of unsecured creditors is \$240.89; however, Debtor(s)' Plan only proposes to pay \$0.00.
7. X Pursuant to the Proof of Claim filed by Illinois Department of Revenue on December 28, 2023, the Debtor(s) have not filed their 2022 tax returns. The Debtor(s) must provide the Trustee with evidence that these returns have been filed.

If the Debtor(s) assert that they have filed the tax returns indicated on the tax agency's Proof of Claim as not filed, they must file an Objection to said Proof of Claim and/or otherwise have the taxing agency file an Amended Proof of Claim to set forth the correct amount of their priority debt, if any.

8. X Other: a. The Schedule A/B #8 provide for a coin and stamp collection valued at \$500.00. The Trustee requests appraisal documentation to support the value of same.
- b. The Schedule I indicates the Debtor began employment one (1) month prior to filing. As such, the Trustee requests all post-petition pay advices to substantiate the income listed.
- c. The Schedule I indicates the employer street address is 202 Westlake Ave N; however, the Chapter 13 Plan, paragraph 1 provides for the street address of 2020 Westlake Ave N. This conflict must be resolved prior to confirmation.
- d. Pursuant to the 341(a) testimony, the Debtor owes a tax liability to the State of Illinois. As such, the Schedule E/F and Plan must be amended to provide for same.
- *The parties are advised that the plan calculation is subject to change based upon numerous factors, including, but not limited to, a change in the Trustee's percentage fee; missed or late plan payments; the filing of proof of claims in amounts substantially different from the amounts scheduled in the debtor(s)' plan; and the filing of amended proof of claims.

The Trustee has Amended Paragraph(s) 2, 4, 7

WHEREFORE, PREMISES CONSIDERED, Russell C. Simon, Chapter 13 Trustee, respectfully prays that this Court deny confirmation of the Debtor(s)' Plan, and grant him such other and further relief, both in law and in equity, to which he shows himself justly entitled.

/s/ Russell C. Simon
RUSSELL C. SIMON, Trustee
Chapter 13 Trustee
24 Bronze Pointe
Swansea, Illinois 62226
Telephone: (618) 277-0086
Telecopier: (618) 234-0124

Dated: January 02, 2024
SP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Trustee's First Amended Objection to Confirmation to Debtor(s)' Original Plan was served on the parties listed below by ordinary U.S. Mail (with the correct postage prepaid and deposited in the U.S. Mail in Belleville, IL) or served electronically through the Court's ECF System at the email address registered with the Court on this day, Tuesday, January 2, 2024.

/s/Sandie

David R Aromando
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